



City of NORFOLK


C: Dir., Department of Planning and Community Development

To the Honorable Council
City of Norfolk, Virginia

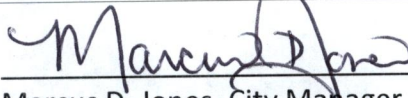
June 10, 2014

From: George M. Homewood, AICP CFM, Planning Director

Subject: **Special exception to operate an entertainment establishment – The Cure**

Reviewed: 
Ronald H. Williams, Jr., Assistant City
Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number:

R-6

- I. **Staff Recommendation:** Approval with modified hours of operation.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval** subject to the modified hours of operation recommended by Staff.

Hours of Operation	7:00 a.m.-11:00 p.m. Seven days a week.
Hours for the Sale of Alcohol	9:00 a.m.-11:00 p.m. Seven days a week.
Hours for Entertainment	11:00 a.m. to 10:00 p.m., Sunday-Thursday 11:00 a.m.-11:00 p.m., Friday/Saturday

- III. **Request:** To allow The Cure to operate a coffeehouse with alcoholic beverages and entertainment.
- IV. **Applicant:** The Cure by Gene Aston
503 Botetourt Street
- V. **Description**
 - The site is located on the northwest corner of West Bute Street and Botetourt Street.
 - The Cure is zoned HC-WF2 (West Freemason Historic and Cultural Conservation) district, which permits entertainment establishments by special exception.
- VI. Staff point of contact: Susan Pollock at 664-4765 or susan.pollock@norfolk.gov

Attachments:

- Staff Report to CPC dated May 22, 2014 with attachments
- Proponents and Opponents
- Ordinance



City of NORFOLK

To the City Planning Commission
City of Norfolk, Virginia

May 22, 2014

From: Susan Pollock *sp*
Principal Planner

Subject: Special Exception to
operate an Entertainment
Establishment with alcoholic
beverages at 503 Botetourt Street—
The Cure

Reviewed: *cw* Leonard M. Newcomb III, CFM,
for Land Use Services Manager

Ward/Superward: 2/6

Approved: *[Signature]*
George M. Homewood, AICP CFM,
Planning Director

Item Number: CONTINUED 2

I. Recommendation:

- Staff recommends approval subject to modified hours of operation considering compliance with *Zoning Ordinance* requirements and consistency with approved plans.
- This item was continued from the April public hearing to allow the applicant to address concerns expressed by the neighborhood.

II. Applicant: The Cure by Gene Aston
503 Botetourt Street

III. Description:
This request would allow the Cure to extend current hours of operation.

IV. Analysis
The site is located on the northwest corner of West Bute Street and Botetourt Street.

Plan Analysis

- The proposed Special Exception amendment is consistent with *plaNorfolk2030*, which designates this site as Downtown.

Zoning Analysis

- The Cure is zoned HC-WF2 (West Freemason Historic and Cultural Conservation) district, which permits Entertainment Establishments by Special Exception.

- Special Exception history

	Original	Proposed 2013	Current	Proposed (2014)
Hours of Operation	7:00 a.m.-10:00 p.m. Seven days a week.	6:00 a.m. - 11:00 p.m. Sunday-Thursday 6:00 a.m. - 12:00 midnight Friday-Saturday Close at 1:00 a.m. 12 calendar days	6:00 a.m.-11:00 p.m. 7 days a week	7:00 a.m.-11:00 p.m. Sunday-Thursday 7:00 a.m.-12 midnight Friday-Saturday
Hours for the Sale of Alcohol	11:00 a.m.-10:00 p.m. Seven days a week.	11:00 a.m. - 12:00 Midnight Sunday-Thursday 11:00 a.m. - 12:00 midnight Friday-Saturday Open until 1:00 a.m. no more than 12 days per calendar year.	11:00 a.m.-11:00 p.m. 7 days a week	9:00 a.m.-11:00 p.m. Sunday-Thursday 9:00 a.m.-12 midnight Friday-Saturday
Hours for Entertainment	N/A	11:00 a.m. to 11:00 p.m. 7 days a week	Same	11:00 a.m. to 10:00 p.m. Sunday-Thursday 11:00 a.m.-11:00 p.m. Friday/Saturday
Entertainment	N/A	Open Microphone 3 member band	Same	Same
Seating Capacity	13 seats indoors 0 seats outdoors 15 Total Capacity	39 seats indoors 6 seats outdoors 49 total capacity	Same	39 seats indoors 2 outdoors 49 total capacity

Traffic Analysis

- Institute of Transportation Engineers figures calculate forecast travel for restaurants based upon the total seating of an establishment.
- Since no increase in indoor seating is being proposed for the site, no additional trips are projected.
- The site is near light rail transit service at the York Street/Freemason station.

Parking Analysis

- Prior to the adoption of the current parking standards, the building was vested for one space per 250 square feet of building area which translated to five parking spaces.
- The applicant was proposing 39 seats which required one parking space for every four seats indoors which translated to 10 parking spaces.

- Subtracting the five vested parking spaces from the total of 10 parking spaces required left five parking spaces that the applicant was required to provide.
- A Special Exception for Off-Lot Parking was approved which provided the additional five parking spaces required.
- The current parking standards continue to vest the building for the same five parking spaces.
- Current parking standards consider square footage of Entertainment Establishments, not the number of seats proposed, to determine the number of parking spaces required.
 - Entertainment Establishments in the Downtown Character District are required to provide one space per 250 square feet of enclosed building space which translates to five parking spaces.
 - Under the current parking standards, the Entertainment Establishment would be vested for all required parking; therefore the previous off-lot parking is no longer required.

V. Financial Impact

The modified hours of operation will more accurately reflect times of higher customer activity and allow the applicant to generate additional taxes for the City.

VI. Environmental

- This site is located West Freemason, which includes other small commercial uses as well as residential and office uses.
- There have been three calls for service with no arrests.
- The applicant is requesting expanded hours.
 - Based on concerns expressed by the neighborhood, staff recommends the following hours:

Hours of Operation	7:00 a.m.-11:00 p.m. Seven days a week.
Hours for the Sale of Alcohol	9:00 a.m.-11:00 p.m. Seven days a week.

- As a result of Alcoholic Beverage Consumption license and Special Exception violations the current Special Exception will expire on May 20, 2014.
- The applicant is required to apply for a new Special Exception.

VII. Community Outreach/Notification

- Legal notice was posted on the property on March 18.
- Letter was sent to the Freemason Street Area Association Civic League April 2.
- Letters were mailed to all property owners within 300 feet of the property on April 9.
- Notice was sent to the civic leagues by the Department of Communications on April 9.
- Legal notification was placed in *The Virginian-Pilot* on April 10 and 17.

VIII. Coordination/Outreach

- Legal notification was placed in *The Virginian-Pilot* on April 10 and 17.

VIII. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proposed Conditions
- Location Map
- Zoning Map
- 1000' Radii Map of Establishments with Special Exceptions for ABC On-Premise
- Application
- Letter to the Freemason Street Area Association
- E-mail from the Freemason Street Area Association
- Letters of opposition from citizens in neighborhood

Proponents and Opponents

Proponents

Michael Aston
503 Botetourt Street
Norfolk, VA 23510

Theresa Verebely
503 Botetourt Street
Norfolk, VA 23510

Support subject to modified hours of operation:

Jack Kavanaugh
312 College Place
Norfolk, VA 23510

Opponents

Tom and Sally McNeilan
404 Bute Street
Norfolk, VA 23510

William and Joyce McKeever
346 W. Freemason Street
Norfolk, VA 23510

Chuck Murray
408 W. Bute Street
Norfolk, VA 23510

Jeanne Bowers
421 W. Bute Street #201
Norfolk, VA 23510

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved: 

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO ASTON SHELTON ENTERPRISES, LLC AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT NAMED "CURE COFFEEHOUSE & BRASSERIE" ON PROPERTY LOCATED AT 503 BOTETOURT STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Aston Shelton Enterprises, LLC authorizing the operation of an Entertainment Establishment named "Cure Coffeehouse & Brasserie" on property located at 503 Botetourt Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 30 feet, more or less, along the western line of Botetourt Street beginning 30 feet, more or less, from the northern line of West Bute Street and extending northwardly; premises numbered 503 Botetourt Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be from 7:00 a.m. until 11:00 p.m., seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages shall be limited to 9:00 a.m. until 11:00 p.m., seven days per week.
- (c) The hours for entertainment shall be limited to 11:00 a.m. until 10:00 p.m. Sunday through Thursday and from 11:00 a.m. until 11:00 p.m. on Friday and Saturday.

- (d) The seating for the establishment shall not exceed 39 seats indoors, 2 seats outdoor, and the total occupant capacity, including employees, shall not exceed 49 people.
- (e) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (f) Entertainment only be provided indoors and shall be limited to live bands having no more than three (3) members or open microphone. No other form of entertainment is permitted.
- (g) The layout of the establishment shall adhere to the specifications of any of the floor plans attached hereto at "Exhibit B."
- (h) There shall be no dance floor provided.
- (i) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (j) The establishment shall maintain a current, active business license at all times while in operation.
- (k) The establishment shall remain current on all food and beverage taxes and business personal property taxes which may become due while it is in operation.
- (l) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on

the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

- (m) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public right-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (n) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The facility shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar.
- (o) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (p) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (q) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific

condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (r) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (s) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.
- (t) A binder or folder containing documentation relating to the operation of the facility shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the facility shall include copies of the following:
 - (1) This Special Exception;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permits;
 - (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the facility at any time; and
 - (9) The facility's designated driver program.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the

requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a

negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting operation of an Entertainment Establishment on this property, adopted on May 21, 2013 (Ordinance No. 45,105) and all provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (3 pages)

Exhibit B (4 pages)

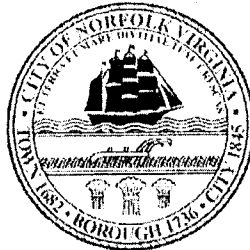


EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date 3/1/2014

Trade name of business Cure Coffeehouse & Brasserie

Address of business 503 Botetourt Street

Name(s) of business owner(s)* Gene Aston, Christopher Shelton

Name(s) of property owner(s)* Bethel I LLC

Name(s) of business manager(s)/operator(s) G. Aston, C. Shelton, K. Redman, T. Verebely

Daytime telephone number (757) 329-3867

*If business or property owner is a partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

<u>Facility</u>		<u>Alcoholic Beverage Sales and Entertainment</u>
Weekday	From <u>7am</u> To <u>11pm</u>	Weekday From <u>9am</u> To <u>11pm</u>
Friday	From <u>7am</u> To <u>12am</u>	Friday From <u>9am</u> To <u>12am</u>
Saturday	From <u>7am</u> To <u>12am</u>	Saturday From <u>9am</u> To <u>12am</u>
Sunday	From <u>7am</u> To <u>11pm</u>	Sunday From <u>9am</u> To <u>11pm</u>

2. Type of ABC license applied for (check all applicable boxes):

☐ On-Premises ☐ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:

☐ Beer ☐ Wine ☐ Mixed Beverage

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☐ No

4a. If yes, please describe type and number of each game to be provided:

Chess, dominos, and other casual board games are provided.

5. Will patrons ever be charged to enter the establishment?
☐ Yes ☐ No

5a. If yes, why:

5b. Which days of the week will there be a cover charge (circle all applicable days):

☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday
☐ Saturday ☐ Sunday

6. Will the facility or a portion of the facility be available for private parties?
☐ Yes ☐ No

6a. If yes, explain:

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☐ No

7a. If yes, explain:


8. Will there ever be a minimum age limit?
☐ Yes ☐ No

Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

Live music events shall end by 10pm
weeknights and 11PM on Fridays and Saturdays

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

Exhibit A – Floor Plan(s) Worksheet *(Entertainment plan)* Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats) 29
 Number of bar seats 10
 Standing room 4

b. Outdoor

Number of seats 2

c. Number of employees

4

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 49

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

<i>open mic</i>

3. Will a dance floor be provided?

☐ Yes ☒ No

3a. If yes,

Square footage of establishment
 Square footage of dance floor

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

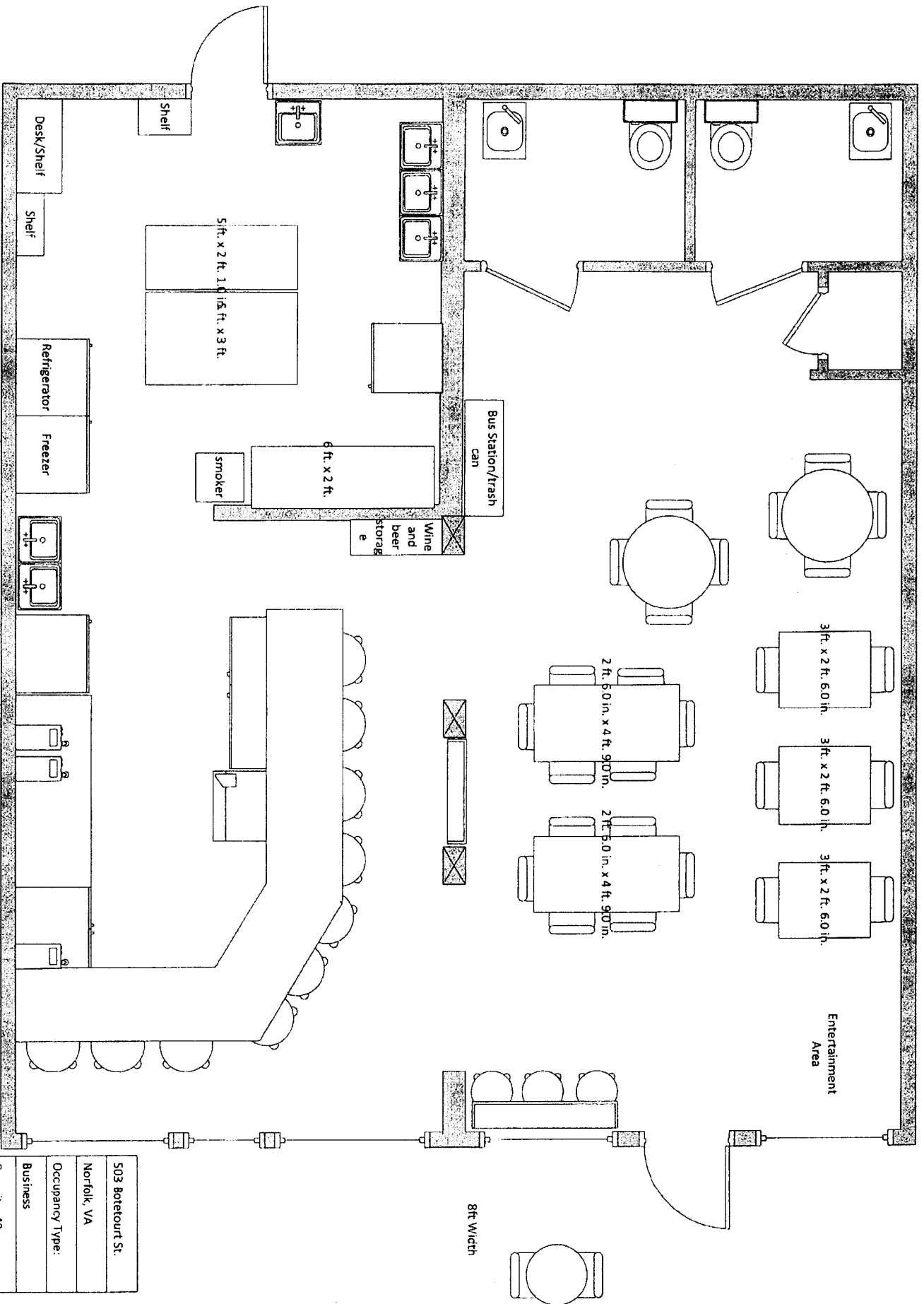
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810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)



Entertainment Plan

Exhibit A – Floor Plan(s) Worksheet (*"Detailed" Flow Plan*)
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats)

29

Number of bar seats

7

Standing room

7

b. Outdoor

Number of seats

2

c. Number of employees

4

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) =

49

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

3. Will a dance floor be provided?

☐ Yes ☒ No

3a. If yes,

Square footage of establishment

Square footage of dance floor

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

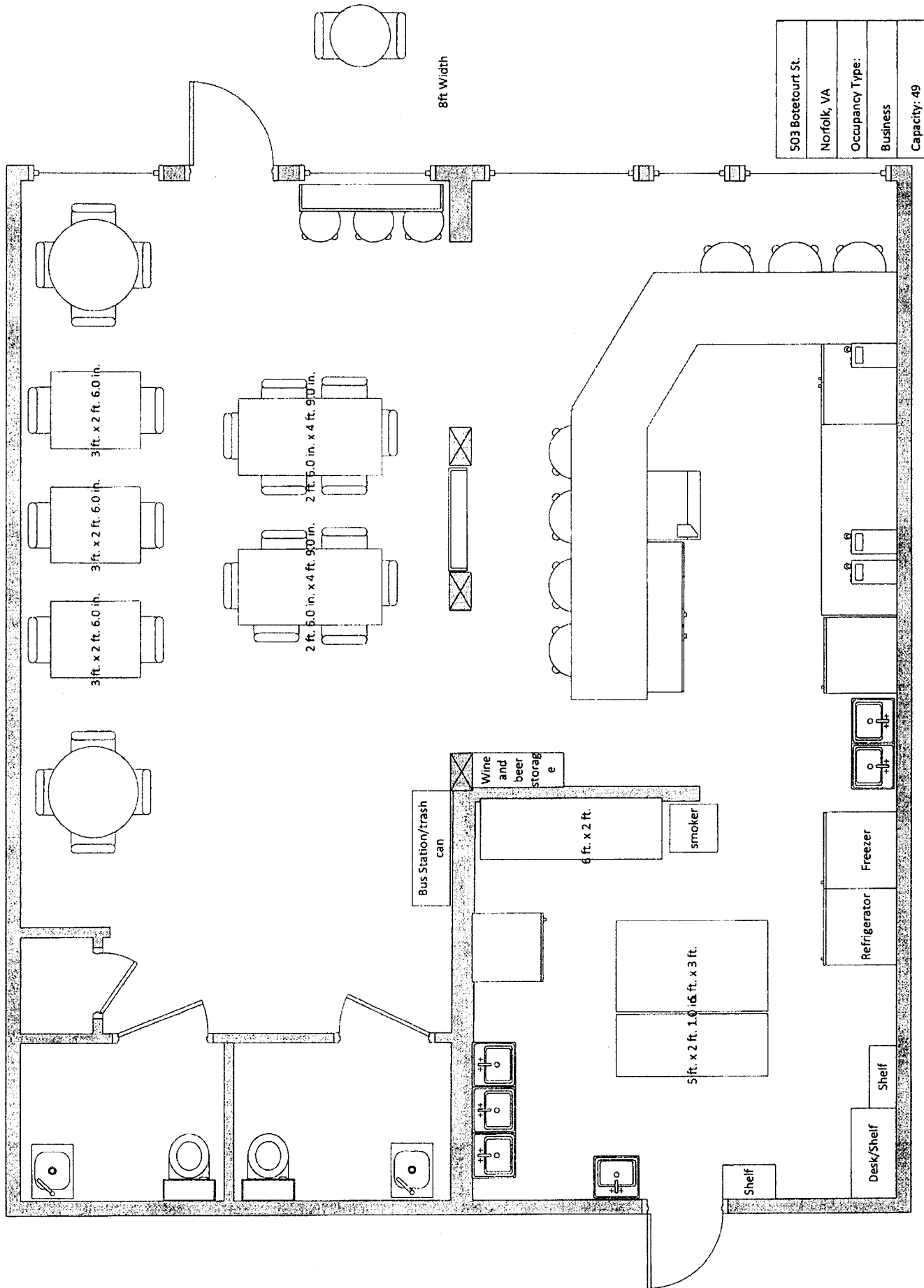
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(Revised July 2013)



503 Botetourt St.
Norfolk, VA
Occupancy Type:
Business
Capacity: 49

Scale 1/4" = 1'

Day Plan

Entertainment Establishment
Conditions

- (a) The hours of operation for the establishment shall be from 7:00 a.m. to 11:00 p.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours of operation for sale of alcoholic beverages shall be from 9:00 a.m. to 11:00 p.m., seven days a week.
- (c) The hours of operation for entertainment shall be from 11:00 a.m. to 10:00 p.m. Sunday through Thursday and from 11:00 a.m. to 11:00 p.m., Friday and Saturday.
- (d) The seating for the establishment shall not exceed 39 seats indoors, 2 seats outdoors, and the total occupant capacity, including employees, shall not exceed 49 people.
- (e) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (f) Entertainment shall be limited to live bands having no more than 3 members and open microphone. No other form of entertainment is permitted.
- (g) There shall be no dancing and no dance floor provided.
- (h) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (i) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (j) The establishment shall maintain a current, active business license at all times while in operation.

- (k) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (l) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (m) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (n) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (o) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (p) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (q) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (r) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (s) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (t) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This Special Exception;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permit(s);
 - (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program

Print Name: _____

Sign: _____ Date: _____

Location Map



**THE CURE
COFFEEHOUSE & BRASSERIE**

BOTETOURT STREET

W BUTE STREET

0 5 10 20
Feet



Zoning Map

D-4

W BRAMBLETON AVENUE

W BRAMBLETON AVENUE

YORK STREET

HC-WF2

HC-WF2

HC-WF1

THE CURE
COFFEEHOUSE & BRASSERIE

W BUTE STREET

BOTETOURT STREET

HC-WF1

HC-WF1

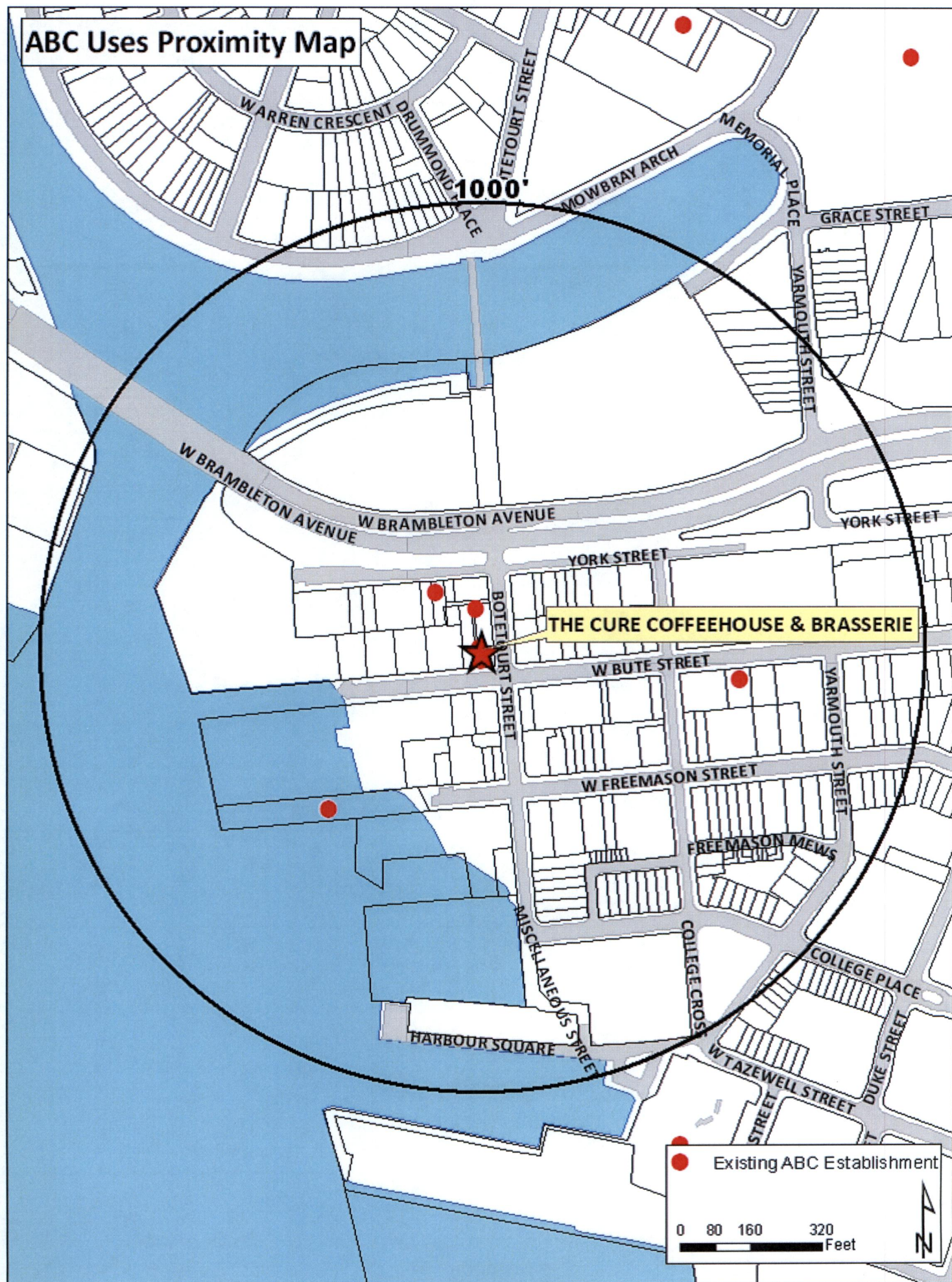
W FREEMASON STREET

HC-WF1

0 30 60 120 Feet



ABC Uses Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)**

Date

DESCRIPTION OF PROPERTY

Address

Existing Use of Property

Proposed Use

Current Building Square Footage

Proposed Building Square Footage

Trade Name of Business (If applicable)

APPLICANT/ PROPERTY OWNER

1. Name of applicant (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box)

(City) (State) (Zip Code)

Daytime telephone number of applicant () Fax number ()

E-mail address of applicant

2. Name of property owner (Last) (First) (MI)

Mailing address of property owner (Street/P.O. box)

(City) (State) (Zip Code)

Daytime telephone number of owner () Fax number ()

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

Application
Entertainment Establishment
Page 2

CONTACT INFORMATION

Civic League contact Jack Kavanaugh

Date(s) contacted 2/22/2014

Ward/Super Ward information

REQUIRED ATTACHMENTS

- Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- Two 8½x14 (maximum size) copies of a survey or site plan (required for new construction or site improvements) drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- Two 8½ inch x 14 inch (maximum size) copies of a floor plan prepared by a registered design professional drawn to scale showing restroom facilities, seats/tables, bar, dance floor with dimensions, band area, disc jockey area, standing room and ingress and egress (see attached example).
- Completed Exhibit A, Description of Operations (attached).

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Bethel LLC Sign: 3/1/2014
(Property Owner or Authorized Agent Signature) (Date)

Print name: Gene M. Aston Sign: [Signature] 3/1/2014
(Applicant or Authorized Agent Signature) (Date)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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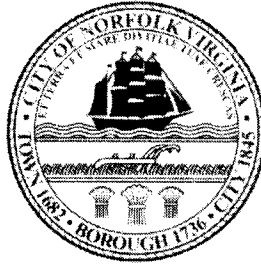


EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date 3/1/2014

Trade name of business Cure Coffeehouse & Brasserie

Address of business 503 Botetourt Street

Name(s) of business owner(s)* Gene Aston, Christopher Shelton

Name(s) of property owner(s)* Bethel I LLC

Name(s) of business manager(s)/operator(s) G. Aston, C. Shelton, K. Redman, T. Verebely

Daytime telephone number (757) 329-3867

*If business or property owner is a partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

<u>Facility</u>		<u>Alcoholic Beverage Sales and Entertainment</u>
Weekday	From <u>7am</u> To <u>11pm</u>	Weekday From <u>9am</u> To <u>11pm</u>
Friday	From <u>7am</u> To <u>12am</u>	Friday From <u>9am</u> To <u>12am</u>
Saturday	From <u>7am</u> To <u>12am</u>	Saturday From <u>9am</u> To <u>12am</u>
Sunday	From <u>7am</u> To <u>11pm</u>	Sunday From <u>9am</u> To <u>11pm</u>

2. Type of ABC license applied for (check all applicable boxes):

☐ On-Premises ☐ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☒ Mixed Beverage

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Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☐ No

4a If yes, please describe type and number of each game to be provided:

Chess, dominos, and other casual board games are provided.

5. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

5a. If yes, why:

5b. Which days of the week will there be a cover charge (circle all applicable days):

☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday
☐ Saturday ☐ Sunday

6. Will the facility or a portion of the facility be available for private parties?
☐ Yes ☒ No

6a. If yes, explain:

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

7a. If yes, explain:


8. Will there ever be a minimum age limit?
☐ Yes ☒ No

Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

Live music events shall end by 10pm
weeknights and 11PM on Fridays and Saturdays

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant

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(Revised July 2013)

Exhibit A – Floor Plan(s) Worksheet *(Entertainment plan)*
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats)
Number of bar seats
Standing room

b. Outdoor

Number of seats

c. Number of employees

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) =

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

<i>open mic</i>

3. Will a dance floor be provided?

☐ Yes ☒ No

3a. If yes,

Square footage of establishment
Square footage of dance floor

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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Scale $\frac{1}{4}'' = 1'$

Exhibit A – Floor Plan(s) Worksheet *(“Daytime” Flow Plan)*
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

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List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

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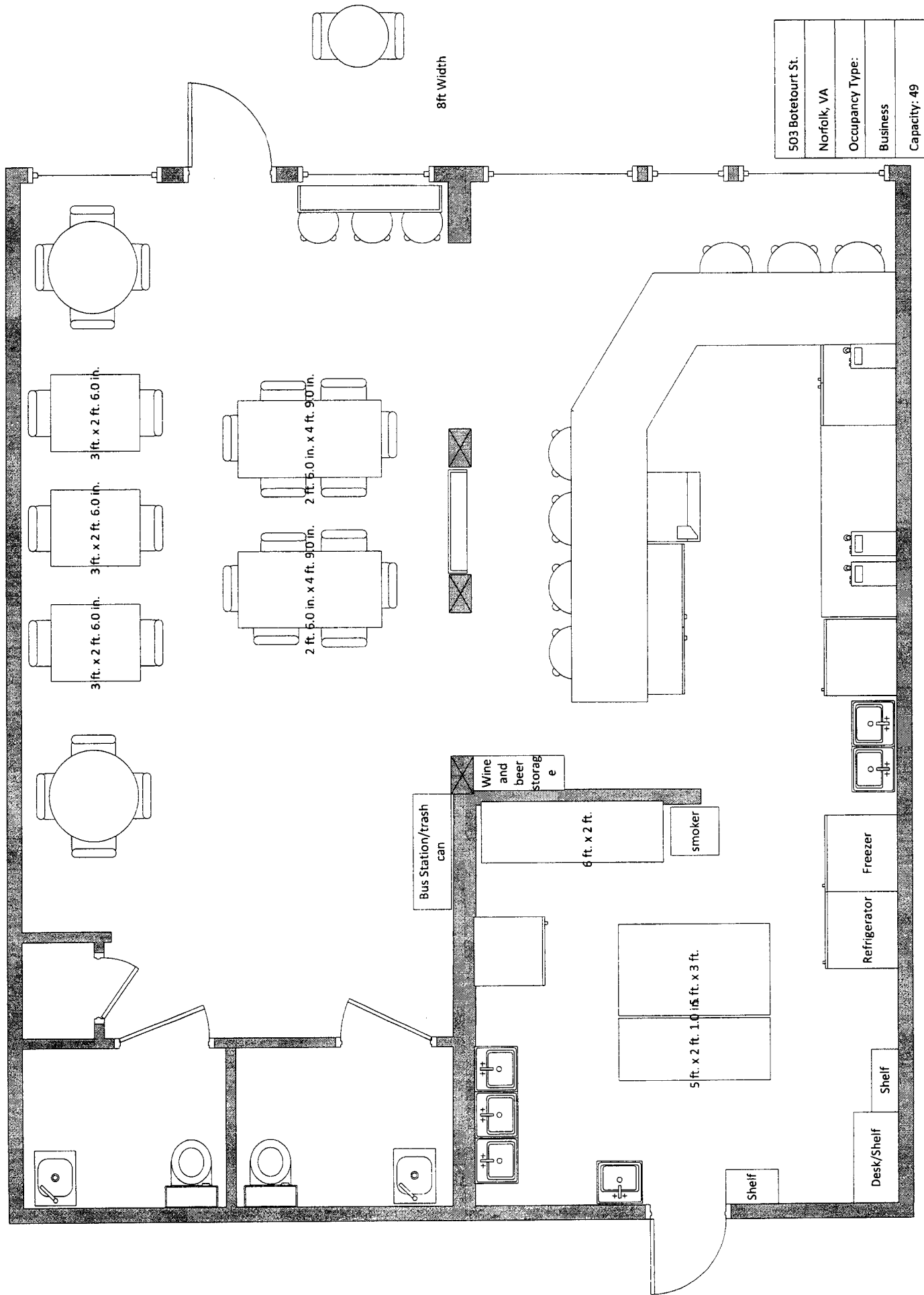
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503 Botetourt St.
Norfolk, VA
Occupancy Type:
Business
Capacity: 49

Scale 1/4" = 1'

Day Plan



City of NORFOLK

April 3, 2014

Jack Kavanaugh
President, Freemason Street Area Association
312 College Place
Norfolk, VA 23510

Dear Mr. Kavanaugh,

The Planning Department has received an application for a Special Exception to operate an Entertainment Establishment with alcoholic beverages on property located at 503 Botetourt Street.

This request is tentatively scheduled for the April 24, 2014, City Planning Commission public hearing.

Summary

This request would allow The Cure to expand hours of operation and add additional types of entertainment.

	Prior	Proposed
Hours of Operation	6:00 a.m. until 11:00 p.m. seven days a week	7:00 a.m. until 11:00 p.m. Sunday through Thursday 7:00 a.m. until 12:00 midnight Friday and Saturday
Hours for the Sale of Alcohol	11:00 a.m. until 11:00 p.m. seven days a week	9:00 a.m. until 11:00 p.m. Sunday through Thursday 9:00 a.m. until 12:00 midnight Friday and Saturday
Hours for Entertainment	11:00 a.m. until 11:00 p.m. seven days a week	9:00 a.m. until 10:00 p.m. Sunday through Thursday 9:00 a.m. until 11:00 p.m. Friday and Saturday
Seating	<ul style="list-style-type: none">• 39 seats indoors• 6 seats outdoors• 49 total capacity	<ul style="list-style-type: none">• 39 seats indoors• 2 seats outdoors• 49 total capacity
Entertainment	<ul style="list-style-type: none">• 3 Member Band• Open Mic	<ul style="list-style-type: none">• 3 Member Band• Open Mic• Comedian• Karaoke• Poetry Reading

If you would like additional information on the request, you may contact the applicant, Gene Aston, at (757) 329-3867 or me at (757) 664-4765. A copy of the complete application is enclosed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Pollock".

Susan Pollock
Principal Planner

cc: Oneiceia Howard, Senior Neighborhood Development Specialist
Oneiceia.Howard@norfolk.gov or (757) 664-6761

From: Jack Kavanaugh [mailto:ocs1062@cox.net]

Sent: Wednesday, March 05, 2014 4:22 PM

To: Verrey, Theresa; Homewood, George

Subject:

George, and Ms. Verrey, the Freemason Street Area Association does not have a position on whether the ABC grants the liquor license or not. Our issues are with the City.

I have received only two dissenting opinions on this issue, a few with questions, a few supporting. The 2 dissenters live next door and are the most impacted and one will speak at the ABC hearing. A resident who lives across the street says there have been no issues, they have lived up to what was asked, and it should be approved. I have checked with police and zoning and have found no complaints.

We do however have two issues; first it started out as a nice neighborhood coffee shop, with wine and beer in the evening, with karaoke type entertainment not very loud. Now they want to morph it into a bar and music hall nightly and until midnight on the weekend, so we oppose the later closing hours. The Pagoda, Voila, and Carriage House all close by 11 PM, Cure should do the same. **The second and more pressing and important issue is parking.** They arranged for 6 spots across Brambleton when they had 17 seats in the coffee shop, now they have 47. They need more parking slots, and they can't infringe on Voila between 5 and 10pm while they are open, and there is never street parking available after 6 PM. Someone is going to get hurt crossing Brambleton after a night of drinking.

George, what are the requirements for parking?

Jack Kavanaugh, President, FSAA

Dear F.S.S.A Board,

February 20, 2013

I regret that I am unable to attend your meeting in person; however, I work fulltime and attend TCC and have a class this evening.

I am a newer member to the community. I live right behind the Cure. Since moving here we have seen a motor scooter in the walkway, heard loud noises in the middle of the night recently, and can hear a lot of noises due to their back door being open, as well as smelling smoke when they are in the side alley smoking. (We also smell when they burn food in the kitchen). I have a four year old daughter and her window happens to be right above them. Putting her to bed at night with all their noise is a challenge.

On many occasions, when walking down the sidewalk with the stroller, there has been a motor scooter parked on the sidewalk in front of the Cures door. I believe it is someone that works there, seeing how it is usually there for long intervals. Do to this you can barely walk, especially with a stroller, so I am not quite sure how outside seating would be applicable.

Our house is right next door. Already we can hear music and talking from the Cure. Adding to the number of people in the place, increasing the bar atmosphere, events and amplified music will greatly impact our home. Employees stand outside under our windows talking on cell phones and smoking. This is in addition to being able to just hear them while they are working. My daughter will not be able to sleep with music and noise outside her bedroom window, already it is a problem.

I know that they are under construction as well, but I also don't understand why they don't think to do the construction in the middle of the day when most people are at work. This past weekend we heard them in the middle of the night hammering and making plenty of noise.

The parking officer does not ticket the patrons, but rather goes into the businesses and gets the people. I have heard folks tell her to remember their vehicle and to not ticket it, and she doesn't. The patrons take our street parking and block our driveways.

I work in the food service industry and can't believe the Norfolk health department has allowed them to operate with the back door open all the time and with a kitchen no equipped for food preparation. There is no place for an exhaust fan. When they put it in the side wall it blasted at our living room windows. If one is put in the roof it will blow and create additional noise in the bedrooms. I can't imagine eating food from a place that prepares it with the backdoor open to bugs and rodents.

The smoking is also a big concern for me as well. Not only can my daughter hear them talking but some of the employees go out the back door and smoke on their breaks.

The smoke will go through one window and within minutes the entire house smells like smoke. On many occasions we have had to go outside and ask them to go somewhere else.

I understand that they are a coffee shop and are trying to be successful, but at the same time we are their neighbors and expected nothing more than a coffee shop when they opened. This is a business better suited to Granby Street.

Sincerely,

Kimberly Temple

404 W. Bute

408 W. Bute
Norfolk, Virginia 23510
March 28, 2013

Re: The Cure

To Whom it May Concern;

I have lived at this address for 12 years and value our historic residential neighborhood. I feel the requested changes are not good for the residential atmosphere or those of us living immediately adjacent to the business. Already we have many folks leaving the Cure after over-imbibing and causing a disturbance as they talk loudly, get sick, or are a general disturbance. For the past two years, the owners have worked other jobs and hired college students to run the place. They have not been there a majority of the time and don't know what is going on.

On one occasion Mike gave a key to a 16 year old employee, so she could be the emergency backup. The place is full of beer and wine and that should have been an ABC violation, instead the teenager's mother returned the key and it was not reported. This is just one of the many examples of their poor judgment.

For the past two years we have had to live with their lack of respect for the neighbors. Everything revolves around what they want.

Allowing them to extend their hours, add entertainment, and serve hard liquor will have negative impacts on the neighbors.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Sweadock', with a long horizontal flourish extending to the right.

Edward Sweadock

To Whom It May Concern:

I have recently moved to Norfolk about 7 months ago with my boyfriend and four years old. When moving here, to the historic district, right behind the cure, we were expecting a nice quiet neighborhood. There are many issues that I am concerned about with the coffee shop. Since living here I have seen a scooter outside the door on the sidewalk, smell smoke through my daughter's window, and the amplified music concerns me as well.

On many occasions, when walking down the sidewalk with the stroller, there has been a motor scooter parked in front of the Cures door. I believe it is someone that works there, seeing how it is usually there for long intervals. Do to this you can barely walk, especially with a stroller, so I am not quite sure how outside seating would be applicable.

I am not quite sure how the amplified music will work but it is something that I am quite concerned about. Even if my daughters window is closed, we can hear them talking outside, in the back of the store. I can just imagine what it will be like with amplified music, especially because most of the time we can see that they have their back door open.

The smoking is also a big concern for me as well. Not only can my daughter hear them talking when they are outside, which is understandable at times, but some of the employees go to the back door and smoke on their breaks. The smoke will go through one window and within minutes the entire house will smell like smoke. On many occasions we have had to go outside and ask them to go somewhere else.

I understand that every business tries to make improvements to make a profit, but I am sure that as a coffee shop they can think of more than becoming late night entertainment. I hope you can take these concerns into consideration before making a final decision.

Sincerely,

Kimberly Temple

404 W. Bute